

Chapter 17.16

DEMOLITION OF BUILDINGS AND STRUCTURES

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17.16.010 Purpose and intent.

The purpose of this chapter is to protect buildings, structures, and features which reflect special elements of the city's heritage and to seek alternatives to demolition for important historical resources. The protection and preservation of cultural resources are required in the interest of the health, prosperity, social and cultural enrichment, and general welfare of the people. (Ord. 586 N.S. Exh. A (part), 1989)

17.16.020 Permit required.

No person shall demolish any building or structure until a permit has been issued by the building official in accordance with the provisions set forth in this chapter. (Ord. 586 N.S. Exh. A (part), 1989)

17.16.030 Application for permit.

An application for a permit to wreck, demolish, or raze a building or structure shall be submitted to the building official. An application shall state:

A. The precise location of the building or structure to be demolished identifying the building or structure to be removed and distances to the neighboring buildings, property lines, streets or right of ways, and public utilities;

B. The type of equipment to be used to demolish the building or structure;

C. The length, width, height, and principal materials or construction of the building or structure;

D. The length of time required to complete the proposed demolition work;

E. The name and address of the owner(s) of the building or structure;

F. Proof of permission from the owner(s) and other vested interests to do the proposed work;

G. Method(s) of proposed demolition; and

H. Any other information deemed necessary by the building official. (Ord. 586 N.S. Exh. A (part), 1989)

17.16.040 Determination of historic or architectural significance.

Upon receipt of an application for a permit to demolish a building or structure, the building official shall forward the application to the planning division of the community development department. The city planner shall determine whether the building or structure is a potential historic or architectural resource, using the following criteria:

A. Inclusion on any list of historic and cultural resources, including, but not limited to, the National Register of Historic Buildings, the state list of significant historic buildings, the 1981-1984 Historic Resources Survey conducted by the community development department or any other recognized source of historic and cultural resources for the City of El Paso de Robles; and

B. An evaluation of the building or structure based upon the following criteria:

1. Whether the building or structure reflects special elements of the city's historical, archaeological, cultural, social, economic, aesthetic, engineering, or architectural development; or

2. Whether the building or structure is identified with persons or events significant in local, state, or national history; or

3. Whether the building or structure embodies distinctive characteristics of a style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship; or whether the building or structure represents an established and familiar visual feature of a neighborhood or community of the city.

The city planner shall make his/her determination within thirty days from the date the application for demolition is submitted. (Ord. 586 N.S. Exh. A (part), 1989)

17.16.050 Processing procedures.

A. Nonsignificant Buildings or Structures. If the building or structure to be demolished is determined by the city planner as having no

historic, architectural or aesthetic significance to the city, the city planner shall refer the matter back to the building official with recommendation to issue the demolition permit. When in doubt, the city planner may seek the review and advice from the architectural review committee/historic preservation commission. The demolition permit shall be effective on the date of issue.

B. Significant Buildings or Structures.

(1) If the building or structure proposed to be demolished is determined by the city planner to have historic, architectural, or aesthetic significance to the city, the city planner shall schedule the request for demolition to the council for final determination at the next available hearing.

(2) The community development department shall place a legal notice in a newspaper of general circulation in the city, announcing the proposed demolition. The notice shall be given in a manner consistent with city policies and procedures and state law. The notice shall show the location of the building or structure on a vicinity map with the street address. The community development department shall also notify by first class mail all property owners within a three-hundred-foot radius of the proposed demolition and any persons or organizations that have asked to be notified of the application for demolition permits. The applicant for the demolition permit shall be responsible for providing a set of mailing labels containing the property owners and addresses based upon the latest county assessor's tax roll.

C. Findings Required.

(1) The council may, upon finding that the building or structure is of significant historical character, require a six month continuance in consideration of the demolition permit request with an option to extend the continuance for an additional six month period should that become necessary. The purpose of the continuance, and the possible extension, is to provide adequate time to investigate alternatives to demolition.

(2) Upon making the determination that there are no feasible alternatives to demolition, the council may direct the building official to issue the permit.

(3) The demolition of all buildings and structures shall be conducted in accordance with all conditions outlined in Chapter 44 and subsection

4409 of the Uniform Building Code as adopted by council. (Ord. 586 N.S. Exh. A (part), 1989)

17.16.060 Exception.

Upon determination by the building official that the building or structure to be demolished poses a threat to the health and safety of persons in the area surrounding the subject structure, the building official may, with the community development director's concurrence, issue the demolition permit without city council review and the findings set forth in this chapter. The building official may also require fencing or other appropriate measures to secure the site pending review by staff and/or council. (Ord. 586 N.S. Exh. A (part), 1989)